

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CHARLES E. WIIG,**

**Defendant.**

**8:05CR245**

**MEMORANDUM AND ORDER**

This matter is before the Court on two Motions Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody ("§ 2255 Motions"), ECF No. 135, ECF No. 138, filed by the Defendant, Charles Wiig. The Defendant's § 2255 Motions are successive motions. (See ECF Nos. 71, 73, 75, 115.)

When a second or successive § 2255 motion is filed:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C. § 2255(h).

Because the Defendant has not obtained certification from the U.S. Court of Appeals for the Eighth Circuit to file his successive § 2255 Motions, the Motions will be denied.

THEREFORE, IT IS ORDERED:

1. That the Court has reviewed the Defendant's successive Motions under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody ("§ 2255 Motions"), ECF No. 135, ECF No. 138;
2. For the reasons stated above, the § 2255 Motions, ECF No. 135, ECF No. 138, will be summarily dismissed; and
3. A separate Judgment will be entered.

Dated this 23<sup>rd</sup> day of June, 2017.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge